

## REMARKS

This application has been reviewed in light of the Office Action mailed on May 21, 2004. Claims 1-20 are pending in the application with Claims 1, 12, 16 and 20 being in independent form.

(1) In the Office Action, Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,672 issued to Chuah et al. (hereinafter "Chuah") in view of U.S. Patent No. 6,490,461 issued to Muller

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on August 18, 2004. During the telephonic interview, the rejection of Claim 1 in the instant Office Action was discussed. Applicant's attorney presented reasons stating why Claim 1 is patentably distinguishable over the cited reference, Chuah. The Examiner requested that the arguments presented by Applicant's attorney be repeated in a response to the Office Action as follows.

In the interview, Applicant's attorney first explained to the Examiner that Chuah is directed to a multi-threshold detection method as indicated in the title 'Methods and Apparatus for enhanced power ramping via multi-threshold detection'. In accordance with a process of detection, Chuah teaches at Col. 8 that the base station receives a request signal to determine whether or not the signal exceeds a threshold DTHRESH1. In stark contrast, Claim 1 is not directed to detection methods, and as such is silent with respect to request signals. As recited in Claim 1, the invention is a method of transferring information units over a wireless digital communications link between a transmitting

station and a receiving station. In particular, Claim 1 makes reference throughout regarding the transmission and monitoring of first information units and the transmission of second information units between a transmitting station and a receiving station.

A second point raised by Applicant's attorney during the interview concerned power levels. In particular, Applicant's attorney pointed out to the Examiner that, given that Chuah is directed to detection and request signals and the invention is directed to information signals, as a further distinction, the re-transmission of the different signal types are performed at distinctly different power levels. That is, in the event the CRC of the request signal of Chuah was not received correctly, the remote terminal re-transmits the request signal without increasing the power level. In stark contrast, claim 1 is silent with respect to a CRC test because, as previously described, it is an information signal. In the event the information signal of the invention is not received correctly, a re-transmission occurs at a second power level, based on a disparity between actual quality of reception and a target quality of reception. Chuah is silent with respect to performing a re-transmission at a power level as a function of the disparity between an actual and a target quality of reception.

In relation to the distinction in power levels, Applicant's attorney further pointed out to the Examiner that Chuah teaches that in the event where the original request signal does not exceed DTHRESH, if the request signal exceeds PTHRESH, the remote terminal increases its signal strength by 1 dB and retransmits the access request signal. In stark contrast, as described above, claim 1 is silent with respect to increasing signal strength by a fixed amount. Instead, Claim 1 recites that a re-transmission occurs at a

second power level, based on a disparity between actual quality of reception and a target quality of reception.

Based on the foregoing, it is apparent to one skilled in the art that Chuah is an improper reference that does not teach or disclose any of the elements of Claim 1.

The Examiner cites Muller for curing a deficiency of Chuah. Specifically, the Examiner cites Muller for teaching monitoring means for monitoring if correct reception of the transmitted units occurred at the receiver. It is respectfully submitted that teaching monitoring means does not cure the aforementioned deficiencies of Chuah.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof are respectfully requested.

Additionally, Claims 2-11 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 2-11 are believed to be allowable over the cited references, alone and in combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 2-11 and allowance thereof are respectfully requested.

Claims 12, 16 and 20 recite features which are found in Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 12, 16 and 20 are believed to be allowable over the cited references, alone and in combination.

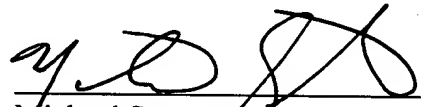
Additionally, Claims 13-15 and 17-19 depend from independent Claims 12 and 16, respectively, and therefore contain the limitations of Claims 12 and 16. Hence, for at least the same reasons given for Claim 12 and 16, Claims 13-15 and 17-19 are believed to be allowable over the cited references, alone and in combination. Accordingly,

withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 13-15 and 17-19 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,

  
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